IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

COMPANY APPLICATION NO.91 OF 2005
IN
COMPANY PETITION NO.316 OF 1999
WITH
COMPANY APPLICATION NO.771 OF 2005
IN
COMPANY PETITION NO.316 OF 1999

Office Notes,Office Memoranda of Coram, appearances, Court's order or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Dhiraj i/b.Shreejit & Law for the Applicant in CA No.91/05.
Mr.J.S.Suryawansi for the Applicant in CA No.771/05.
Ms.K.V.Gautam, Deputy Official Liquidator, present.

CORAM : SMT.NISHITA MHATRE, J.

DATED : 25TH NOVEMBER 2005

P.C. :

. The Petitioner in Company Petition No.316 of 1999 seeks to withdraw the Company Petition by filing Company Application No.91 of 2005.

2. The Applicant in Company Application No.771 of 2005 seeks to be substituted as the Petitioner in place of the Petitioner in the Company Petition. According to the Applicant, monies are due to him from the Company to the tune of

Rs.7,00,000/- plus interest. The claim has been annexed to the affidavit at Exhibit "E". These amounts are due and payable, claims the Applicant under the two separate agreements dated 31st September 1996 and 15th November 1996.

3. In my view, the Applicant in Company Application No.771 of 2005 has a valid claim against the Company. Hence, the prayer in Company Application No.771 of 2005 must be granted.

4. Company Application No.771 of 2005 allowed in terms of prayer clause (a).

5. The Company Petition will now proceed with the Applicant Mr.Laxman Bhau Yande as the Petitioner in Company Petition No.316 of 1999. Amendment to be carried out in two weeks.

6. In view of disposal of C.A.No.771 of 2005, nothing survives in Company Application No.91 of 2005 and the same is disposed of

accordingly.